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VIA ECF

Hon. Cheryl L. Pollak
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Uni-Systems LLC v. United States Tennis Association National Tennis Center Incorporated, et al.*, Case No. 1:17-CV-00147-KAM-CLP

Dear Judge Pollak:

We represent Defendants Hardesty & Hanover, LLC and Hardesty & Hanover, LLP (collectively, “Hardesty”) in connection with the above-identified action. We are writing in connection with the March 23, 2020 Reply in Further Support of Cross Motion to Compel Depositions submitted by Plaintiff Uni-Systems, LLC (“Uni-Systems”) (Dkt. No. 417).¹

Although Hardesty was not directly a party to Hunt Construction Group’s and United States Tennis Association National Tennis Center’s motion for a protective order (Dkt. No. 414) and Uni-Systems’ cross-motion to compel depositions (Dkt. No. 415), Uni-Systems improperly dragged Hardesty into that dispute in its March 23 reply. Hardesty believes it is necessary to correct the record with respect to Uni-Systems’ misrepresentations concerning Hardesty and to ensure that the Court does not decide the underlying motion and cross-motion on the basis of Uni-Systems’ baseless and untrue statements.

First, Uni-Systems asserted in the March 23 reply that “Hunt and Hardesty & Hanover’s arguments against the Cross Motion to Compel are nonsensical and misleading, but still do not alter this conclusion” (Dkt. No. 417 at 2). Uni-Systems’ statement is nonsensical and misleading because Hardesty has nothing to do with the motion and thus had not made any arguments against Uni-Systems’ cross-motion.

Further, Uni-Systems incorrectly and improperly blamed Hardesty for its own failure to issue corporate representative depositions, asserting that “despite the fact that document production has been going on for years, Hardesty *refused to produce documents* from its email custodians’ files until three weeks ago - three years into this case and a month after the fact

¹ If the Court believes that it would be necessary for Hardesty to submit a formal letter motion to consider the subject matter of the present letter, Hardesty requests that the Court grant Hardesty leave to file such a letter motion or consider this a request to do so.

depositions were noticed.” (emphasis added). To the contrary, Hardesty completed its document production on a schedule to which Uni-Systems and Hardesty agreed. Significantly, the timing of Hardesty’s document production and any purported “delay” is *Uni-Systems’ own doing* because it failed to agree to reasonable ESI search terms. In particular, despite Uni-Systems’ having proposed 144 individual, single-term searches, Hardesty and Uni-Systems agreed to a set of reasonable search queries on December 3, 2019. On December 16, 2019, Hardesty confirmed that the production would be completed by end of February 2020, and the production was delivered on February 28, 2020.

Uni-Systems also falsely asserted that “there are many Defendants in this case who worked together to steal Uni-Systems’ trade secrets and construct the infringing roofs.” (Dkt. No. 415 at 3, Uni-Systems’ March 13, 2020 opposition letter and cross-motion). Three years into this case, however, Uni-Systems lacks evidence that the trade secret Defendants – or any of the other Defendants – “stole” or used a single one of Uni-Systems’ long list of alleged trade secrets. Not only does this statement lack any basis in law or fact, but also it is far outside the scope of the contentions of Uni-Systems’ own complaint in this action.

We appreciate the Court’s attention to this matter.

Respectfully submitted,

/s/ Jeffrey L. Snow

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cc: All Counsel of Record (via ECF)